UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

In Re: AUTOMOTIVE PARTS ANTITRUST LITIGATION	 Master File No.: 12-md-02311 Honorable Marianne O. Battani Special Master Gene J. Esshaki
In Re: All Auto Parts Cases) 2:12-MD-02311-MOB-MKM)
THIS DOCUMENT RELATES TO: ALL AUTO PARTS CASES)))

ORDER GRANTING NON-PARTY FCA US LLC'S MOTION TO FILE UNDER SEAL CERTAIN EXHIBITS TO ITS OPPOSITION TO THE PARTIES' RENEWED MOTIONS TO COMPEL

Before the Court is the motion of Non-Party FCA US LLC ("FCA US") for an order authorizing it to file under seal certain exhibits to its opposition to the Parties' Renewed Motions to Compel. The Court finds that

- (i) Sealing is authorized by Federal Rules of Civil Procedure 5.2(d) and 26(c), Local Rule 5.3, and the Protective Order. *See* E.D. Mich. L.R. 5.3(b)(2)(A)(i). Paragraph 19 of the Protective Order provides that "this Order shall serve as a stipulated order for purposes of Civil Local Rule 5.3(b)" and requires all materials containing "Confidential Information or Highly Confidential Information" (as defined in the Protective Order) to be filed under seal according to the procedures contained in the Protective Order. See Protective Order ¶7. The Protective Order also applies "to non-parties." See Protective Order ¶19.
- (ii) The items proposed for sealing are excerpts from the depositions of Michael Novak and Kelly Lynch, Exhibits 1 and 2 to FCA US's Opposition to the Parties' Renewed Motions to Compel. These deposition transcripts contain testimony referring to sensitive and highly confidential financial and technical information produced by FCA US under the

Protective Order. FCA US has determined in good faith that Exhibits 1 and 2 contain

confidential and proprietary information that meets the Protective Order's definitions of

"Confidential" or "Highly Confidential—Outside Attorneys Only" information. See E.D. Mich.

L.R. 5.3(b)(2)(A)(ii).

Sealing is necessary because disclosure of the highly confidential business (iii)

information contained in these exhibits could cause significant harm to FCA US's competitive

and financial positions. See E.D. Mich. L.R. 5.3(b)(2)(A)(iii).

No means other than sealing will preserve the confidentiality of FCA US's (iv)

confidential business information. Publicly posting FCA US's confidential business material

would make this information readily available to its competitors. See E.D. Mich. L.R.

5.3(b)(2)(A)(iv).

WHEREFORE, the Court being otherwise fully advised and for good shown, it is

ORDERED that FCA US LLC's Motion to File Under Seal Certain Exhibits to its Opposition to

the Parties' Renewed Motions to Compel is **GRANTED**.

Date: November 28, 2016

s/Marianne O. Battani MARIANNE O. BATTANI

United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Order was served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail to the non-ECF participants on November 28, 2016..

> s/ Kay Doaks Case Manager